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APPLICATION NO.			FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/965,046			Hashem Akhavan-Tafti	Lum. 4.1-76	2548	
23700	7590	07/08/2003				
LUMIGEN,		EROAD	EXAMINER			
22900 W. EI SOUTHFIEL			LANGEL, WAYNE A			
				ART UNIT	PAPER NUMBER	
				1754	2	
				DATE MAILED: 07/08/2003	>	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Passet   Action August   Group Art Unit   Group A					A-S	
Examiner   Angle   Group Art Unit   TS 4		Application No.		Applicant(s)		
- The MAILING DATE of this communication appears on the cover shell beneath the correspondence address —  Period for Repty  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE  MONTH(S) FROM THE MAILING DATE  OF THIS COMMUNICATION.  - Extensions of time may be exabilate under the provisions of 37 CFR 1.136(a). In no event, however, may a repty be timely filed after SDK (6) MONTHS from the malling date of the communication.  - If the period for repty appealed above, such protein stall, by details, excepts SDK (9) MONTHS from the malling date of this communication.  - If the period for repty appealed above, such protein stall, by details, excepts SDK (9) MONTHS from the malling date of this communication.  - If the period for repty appealed above, such protein stall, by details, excepts SDK (9) MONTHS from the malling date of this communication, even if timely, may reduce any exmed plainent term adjustment. See 37 CFR 1.704(a).  Status  - Responsive to communication(s) filed on from this action is FINAL.  - Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex paire Quayle, 1935 C.D. 11; 453 O.G. 213.  Disposition of Claims  - Claim(s)	Office Action Summary		MKh		Ti es	
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE	-The MAILING DATE of this communication appear	s on the cover sheet l	eneath the o	correspondence addr	ess—	
OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CFR 1.138(a), in no event, however, may a reply be timely filed after SDK (6) MONTHS from the mailing date of this communication.  If the period for reply specified above is uses than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  If NO period for reply specified above, such period shall, by default, expine SDK (6) MONTHS from the mailing date of this communication.  Failure to reply within the set or extended period for neply will, by statute, cause the application to become ABANDONED (65 U.S.C. § 133).  Any reply received by the 50 fine star than three months after the mailing date of this communication, even if timely, may reduce any exmed patent term adjustment. See 37 CFR 1.704(a).  Status  Responsive to communication(s) filed on				-	•	
If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  If No period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.  Failure to reply within the sot or extended period for reply will, by status, cause the application to become ABANDONED (SUS.C) \$130.  Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1,704(b).  Status  Responsive to communication(s) filled on  This action is FINAL.  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.  Disposition of Claims  Claim(s)  Claim(s)  Claim(s)  Is/are pending in the application.  Claim(s)  Is/are rejected.  Is/are rejected.  Is/are rejected.  Is/are rejected to is/are rejected to is/are rejected to is/are rejected.  Claim(s)  The proposed drawing correction, filled on  Is/are objected to by the Examiner.  The proposed drawing correction, filled on  Is/are objected to by the Examiner.  The proposed drawing correction, filled on  Is/are objected to by the Examiner.  The proposed drawing correction, filled on  Is/are objected to by the Examiner.  The proposed drawing correction is objected to by the Examiner.  Fir irty under 35 U.S.C. § 119 (a)-(d).  All   Some'   None of the:  Certified copies of the priority documents have been received.  Certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))  Certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))  Vertified copies of the priority documents have been received in this national platent Applicati		O EXPIRE	MONTH	(S) FROM THE MAILI	NG DATE	
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Disposition of Claims    Claim(s)	<ul> <li>Since this application is in condition for allowance except accordance with the practice under Ex parte Quayle, 193.</li> </ul>	t for formal matters, pro 5.C.D. 1 1; 453 O.G. 21;	secution as	to the merits is close	e <b>d</b> in	
Of the above claim(s)   is/are withdrawn from consideration.   is/are allowed.   is/are allowed.   is/are allowed.   is/are rejected.   is/are objected to.   is/are objected to.   is/are objected to.   are subject to restriction or election requirement   The proposed drawing correction, filed on   is/are objected to by the Examiner   The drawing(s) filed on   is/are objected to by the Examiner   The proposed drawing is objected to by the Examiner.   The oath or declaration is objected to by the Examiner.   The oath or declaration is objected to by the Examiner.   All   Some*   None of the:   Certified copies of the priority documents have been received.   Certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))   Certified copies not received:   Int rvi w Summary, PTO-413   Choromation Disclosure Statement(s), PTO-1449, Paper N (s).   Int rvi w Summary, PTO-413   Notice of Paftsperson's Patent Drawing Review, PTO-948   Oth r	Disposition of Claims	,				
claim(s)	Claim(s)		is/are	pending in the applica	tion	
Claim(s)	Of the above claim(s)	is/are	is/are withdrawn from consideration			
Claim(s)	□ Claim/s)_		:- /	-11	Ciadon.	
Claim(s)	X Claim(s) /-22		is/are	rejected.		
Claim(s)	Claim(s)	is/are	is/are objected to			
Application Papers   The proposed drawing correction, filed on						
The drawing(s) filed on is/are objected to by the Examiner     The specification is objected to by the Examiner.   The oath or declaration is objected to by the Examiner.   Pri rity under 35 U.S.C. § 119 (a)-(d)     Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).     All   Some*   None of the:     Certified copies of the priority documents have been received.     Certified copies of the priority documents have been received in Application No     Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))  *Certified copies not received:     Int rvi w Summary, PTO-413     Notice of Reference(s) Cited, PTO-892   Notice of Informal Patent Application, PTO-152     Notice of Draftsperson's Patent Drawing Review, PTO-948   Oth r	Application Papers	•	require	ement	Codon	
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The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-22 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over either Funken et al. or Hemmi et al. Funken et al. and Hemmi et al. both disclose methods for generating singlet oxygen by reacting a polymer-immobilized photosensitizer with oxygen in the presence of visible light which is absorbed by the photosensitizer. (See column 1, lines 5-61 and column 6, line 8 to column 10, line 8 of Funken et al.; and column 2, line 15 to column 12, line 5 of Hemmi et al.) The photosensitizers disclosed by Funken et al. and Hemmi et al. appear to be

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identical to those recited in applicant's claims. In any event, it would be <u>prima facie</u> obvious to employ the photosensitizers as recited in claims 1-22 as the photosensitizers in the process of either Funken et al. or Hemmi et al., since such photosensitizers are clearly suggested at the aforementioned passages of Funken et al. and Hemmi et al.

Claims 1-22 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The recitation of "selected from . . ." is improper Markush terminology. The phrase --the group consisting of-- should be inserted after "from" to avoid this rejection. In claim 13, "small" is a relative term and therefore indefinite.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne A. Langel whose telephone number is (703) 308-0248. The examiner can normally be reached on Monday through Friday from 8 A.M. to 3:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman, can be reached on (703) 308-3837. The fax phone number for this Group is (703) 305-7718.

-4-

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2351.

WAL:cdc

July 1, 2003

Mayne A LANGEL
WAYNE A LANGEL
PRIMARY EXAMINER